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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,985	07/28/2003	Harold Taylor	43071/287794	7144

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,985

Applicant(s)

TAYLOR, HAROLD

Examiner

Alicia M. Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of McCollum

3. In regards to claims 1-5, Taylor discloses a stabilizer (38) extending laterally from the hitch (26) and having elements (54) for coupling to the lift arms of the tractor (12) whereby the stabilizer (38) prevents the hitch (26) from pivoting with respect to the tractor (12) when a pivoting force is exerted against the hitch (26);

a hitch pivot (30) located behind the stabilizer (38) and associated with the hitch (26) for establishing a pivotable connection between the hitch (26) and a front end (28) of the towed implement (10), whereby pivoting movement between the tractor (12) and the towed implement (10) occurs at the pivotable connection (30), as per claim 1; and

wherein the stabilizer (38) is displaceable along the length of the hitch (26) to accommodate variations in longitudinal spacing between the drawbar and lift arms of the tractor (12), as per claim 2; and

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wherein the stabilizer (38) is rotatable in a plane transverse to the length of the hitch (26) to accommodate rolling movement of the tractor (12) relative to the towed implement (10), as per claim 3;

wherein the stabilizer (38) is displaceable along the length of the hitch (26) to accommodate variations in longitudinal displacement between the drawbar and lift arms of the tractor (12), and is rotatable in a plane transverse to the length of the hitch (26) to accommodate rolling movement of the tractor (12) relative to the towed implement (10), as per claim 4; and

wherein the stabilizer (38) comprises a tubular central portion (62) slideably mounted on a forward portion of the hitch (26);

stabilizer wings (13) extending laterally from the central portion (62); and

attachment elements (54) associated with the stabilizer wings (13) in distal relation to the central portion for coupling the stabilizer wings (13) to the lift arms of the tractor (12), as per claim 5.

However, Taylor fails to disclose an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch for selective coupling to the drawbar of the tractor.

McCollum discloses an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch (10) for selective coupling to the drawbar (at 45) of the tractor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include relative movement between a drawbar connection and the lift arm

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connection as taught by McCollum on the hitch of Taylor in order to accommodate multiple connection types.

4. In regards to claim 9, Taylor discloses an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch (26) having a proximal end for selective coupling to the tractor (12) and having a distal end for pivoting attachment to the towed implement (10); and

a stabilizer (38) extending laterally from the hitch (26) between the proximal and distal ends and having elements (54) for coupling to the lift arms of the tractor (12) whereby the stabilizer (38) prevents the hitch (26) from pivoting with respect to the tractor (12) when a pivoting force is exerted against the hitch (26).

However, Taylor fails to disclose wherein the proximal end of the hitch is for connection to the drawbar of the tractor.

McCollum discloses an apparatus for attaching a towed implement to the drawbar of a tractor having lift arms laterally displaced from the drawbar, comprising:

a hitch (10) for selective coupling to the drawbar (at 45) of the tractor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include relative movement between a drawbar connection and the lift arm connection as taught by McCollum on the hitch of Taylor in order to accommodate multiple connection types.

Allowable Subject Matter

5. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. It is unclear how Taylor fails to disclose a drawbar hitch that does not pivot. As can be seen in Figure 2 of the Taylor reference, the hitch (26) does not pivot relative to the tractor (12) and a pivot (shown at 50) is provided to allow the towed object (10) to move relative to the towing assembly. There is nothing in the claim language defining in which direction the hitch is restrained from pivoting. Figure 2 of Taylor shows that the hitch will not pivot through an axis vertical to the direction of travel. Also, there is nothing in the claims that would preclude the use of draw arms. Furthermore, the stabilizer of Taylor is longitudinally displaceable (at 62, Figure 4b) along the beam (60).

7. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Conclusion

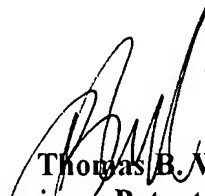
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671